

**ORDINANCE NO. 1432**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 7, “DEFINITIONS”; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 . The LDRs were updated to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, the proposed Amendments to Article 7 are necessary to provide for greater clarity and consistency in the definitions of terms used in the LDRs, for inclusion of newer and prevailing terminology in the land use planning field and associated fields, and therefore for greater usability of the LDRs as a whole; and

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at duly noticed public meeting held on October 2, 2018, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1007 of the City LDRs, the Mayor and City Council reviewed the proposed Amendment to the LDRs at a duly a noticed public hearing (first reading) held on November 13, 2018, and voted to approve the proposed amendments to Article 7; and

**WHEREAS**, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents and in accordance with state law; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals to the preamble herein are incorporated by reference.

**Section 2. Amendment to Chapter 29, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 7, entitled “Definitions”, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES  
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

ARTICLE 7. – DEFINITIONS

\* \* \* \* \*

Sec. 7-101. - Definitions.

For the purposes of these land development regulations, the following words and terms have the meaning so specified:

\* \* \* \* \*

A

\* \* \* \* \*

Animal overnight boarding care facilities (overnight boarding) means any place of business where dogs and/or cats or other animals are maintained for overnight boarding for a fee, subject to the restrictions set forth in Article 5, Division 4, Sec. 5-401(B). Animal boarding facility may include grooming but shall not include any animal control center or any veterinary hospital, or any animal facility operated by any subdivision of local, state or federal government. Animal boarding facility shall not include any research facility subject to inspections under any provision of any state and/or federal law.

Animal care facilities (pet care center or dog day care) means an establishment, operating during daytime hours only, that provides supervised care for cats or dogs for the purpose of the animal's general well-being, including supervised interaction with other cats or dogs, boarding, feeding, and grooming services and shall not include breeding services.

\* \* \* \* \*

Automobile service station means any building, structure, or lot used for the following: dispensing, selling or offering for retail sale gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of vehicles. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of candy, soft drinks and other related items for the convenience of the motoring public, and may include facilities for mechanical or hand car washing, lubricating, minor repairs or vehicle service. Such establishments shall not include facilities for major vehicle service.

B

\* \* \* \* \*

Barbed wire means a device characterized by wire segments twisted around a central wire strand or strands. 1. ~~2~~. Concertina wire: A device characterized by metal barbs attached to a metal tape which is usually installed in a coiled fashion. 3~~2~~. Razor tape: A device characterized by elongated metal barbs attached to a metal tape which is usually installed in a linear-string fashion. 4~~3~~. Razor ribbon: A device similar to razor tape which is usually installed in a coiled fashion. 5~~4~~. Linear-string installation: A method of installation whereby the device is attached to a fence, wall or between stanchions in a more or less taut line. 6~~5~~. Coiled installation: A method of installation whereby the device forms a cylindrical or helix shape. 7~~6~~. Security wire: A generic term encompassing all types of barbed wire, concertina wire, barbed razor tape and other similar barriers.

Barber shop means any place of business wherein the following barbering practices are done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling,



or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.

\* \* \* \* \*

Brewery means a commercial facility licensed by the State of Florida Division of Alcoholic Beverages and Tobacco (ABT) for the production and packaging of malt beverages, such as beer and ale and produces more than 15,000 barrels of beer per year. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable state licenses.

Brewery (micro) means a commercial facility licensed by the State of Florida Division of Alcoholic Beverages and Tobacco (ABT) for the limited-production and packaging of malt beverages for distribution in conjunction with consumption on premises and food sales. A microbrewery shall not produce more than 15,000 barrels (465,000 U.S. gallons/17,602.16 hectoliters) of beer per year as provided in an annual report including the tax documentation from the previous year. Additional areas may be designated within the facility for on-site patrons to include tasting rooms, tours and direct retail sale space.

Brewpub means a brewery-restaurant that sells twenty-five percent (25%) or more of its beer on site. The beer is brewed primarily for sale in the bar and restaurant.

\* \* \* \* \*

## C

\* \* \* \* \*

Car washing, mechanical means a structure containing facilities for the automatic or semi-automatic washing, waxing and drying of automobiles. Self-wash facilities are included in this definition.

\* \* \* \* \*

Community/urban agricultural garden means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale or donation. Community gardens may be divided into separate plots for cultivation for one (1) of more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

\* \* \* \* \*

Contractor's yard means a facility where machinery or equipment is used for fabricating building-related products, or where building and grounds construction or maintenance equipment and materials are stored. Contractor's yard includes, but is not limited to, overnight parking of associated motor vehicles and construction equipment, shops for signs fabricators; awning fabricators; carpenters; painters; pipefitters; plumbers; electricians; roofers; contractors for HVAC, glass, drywall, stone, flooring, siding, sheet metal, excavating, masonry, lighting, asphalt, pools, pest control, irrigation, solar panels, doors and windows, general handyman services, and landscape installation and maintenance.

\* \* \* \* \*

Convenience store means a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominately food or food and gasoline) (fuel services are incidental to the primary use) and services, includes dine-in service, and does not include vehicle service or a car wash. Sites for convenience stores shall be a minimum of one (1) acre in size.

\* \* \* \* \*

## D

\* \* \* \* \*

Day spa means an establishment that provides at least three (3) services for personal wellness or grooming (including massage and body care treatments, facials, and other aesthetic treatments), and does not involve overnight stays and no more than one (1) chair for makeup or hair treatments.

\* \* \* \* \*

Distillery means a facility designed for the distillation of agricultural products including grains, fruits, or vegetables into liquor or spirits. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

\* \* \* \* \*

## E

\* \* \* \* \*

Educational facility (higher learning) means a building or group of buildings used primarily as an institution of higher learning established and operated for profit or not-for-profit, or recognized by the State of Florida as an higher learning institution offering post high school curriculum, including college/university dormitories.

Educational facility (specialty) means institutions such as trade schools, early learning schools, proprietary schools, performing arts, science or technology schools.

Elderly/Senior housing means housing limited to those individuals 55 years of age and older.

\* \* \* \* \*

## F

\* \* \* \* \*

Farmers market means an open air event where two or more farmer-producers sell their own agricultural products directly to the general public, including fruits and vegetables, and locally sourced meat, seafood, poultry, honey, dairy products, grains and fresh, locally produced small-



batch foodstuffs, e.g. artisanal bread, jams, ready to eat foods. Such event is subject to the temporary use standards established in article 5, division 19.

\* \* \* \* \*

Floating vessel platforms (FVPs) means a floating platform or floating boat lift (hydro-hoist) that floats at all times in the water and is utilized for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use. Floating vessel platforms (FVPs) and hydro-hoists require administrative site plan approval ~~and registration.~~

\* \* \* \* \*

G

\* \* \* \* \*

H

\* \* \* \* \*

~~Hydro hoist means a floating boat lift that floats at all times in the water and is utilized for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use. Hydro-hoists require administrative site plan approval and registration.~~

\* \* \* \* \*

I

\* \* \* \* \*

Industrial means manufacturing, assembly, packing and processing of materials, including outdoor storage of materials, transmission of TV and radio, including tire vulcanizing, retreading or sale of used tires and the sale of building materials.

Industrial, light means a use involving limited showrooms, accessory offices, fabrication, ~~or~~ processing or packing of materials that are already in processed form, warehousing, wholesaling, distribution, communication, scientific and research facilities but not including outdoor storage.

Industrial, heavy means activities that include, but are not limited to, heavy manufacturing, landfills, incinerators, biohazard storage, shipping or disposal, petroleum storage, and petroleum refining and that generate negative externalities in terms of emission, odor, noise, vibration, high risk of fire or explosion, or risk of contamination by means of chemicals, biohazards, or radiation.

\* \* \* \* \*

J

\* \* \* \* \*

K

\* \* \* \* \*

L

\* \* \* \* \*

Laundromat, self-service means a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines provided on the premises and that may also provide limited incidental services such as posting an attendant behind a counter to provide change, sell washing powder, watch unattended machines for potential theft of clothing and allow customers to drop off clothing to be washed, dried, and folded, e.g. "fluff and fold" on site. This definition excludes professional dry cleaning services.

\* \* \* \* \*

Live/work unit means units that include a complete dwelling unit with kitchen and bathroom, as well as space suitable for running a business, provided that the business is a permitted or lawfully approved special exception use in the zoning district. To qualify as a live/work unit, the unit must be occupied entirely by a single housekeeping unit where the resident owner or employee is responsible for the commercial activity performed and where the commercial activity conducted takes place subject to a valid business license associated with the premises.

\* \* \* \* \*

## M

\* \* \* \* \*

Marijuana has the meaning given cannabis in Section 893.02(3), Florida Statutes, as amended and in addition, "Low-THC cannabis" as defined in Section 381.986(1)(e), Florida Statutes, as amended, shall also be included in the meaning of the term "marijuana".

\* \* \* \* \*

Medical Marijuana Dispensary means a business that sells or otherwise distributes marijuana through one (1) or more primary caregivers to six (6) or more patients for medical use, along with any cultivation of marijuana associated with such sale or distribution. The term "medical marijuana dispensary" shall not include any person or entity that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall not include the private possession and medical use of marijuana by an individual patient or caregiver to the extent permitted by any applicable state of Florida law or regulation.

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health or its successor agency.

\* \* \* \* \*

Mixed-use development means a development that encompasses three (3) or more uses, ~~one (1) of which shall be residential.~~

## N

\* \* \* \* \*

## O

\* \* \* \* \*

## P

\* \* \* \* \*

Problematic uses mean commercial, retail and service uses including, but not limited to, day labor, ~~tattoo parlors, body piercing~~, pawn shops, check cashing centers and blood plasma centers, which are typically characterized by poorly maintained facilities, loitering and other indication of neighborhood deterioration or urban blight.

\* \* \* \* \*

## R

\* \* \* \* \*

Recovery residence means a residential dwelling unit, or other form of group housing governed by Florida Statutes and offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.

Recovery residence (certified) means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

---

\* \* \* \* \*

## S

\* \* \* \* \*

School, special or technical means any institution, private or public for specialized education, ~~sometimes associated with a university~~ offering practical knowledge of a vocational, technical, scientific or other special nature such as art or dance.

\* \* \* \* \*

Secondhand store means a business that sells previously owned or used goods.

\* \* \* \* \*

~~Sign, shopping center means an onsite sign for a neighborhood, community, or regional shopping facility composed of various commercial sales, services and the like containing a group of business (three (3) or more) that function as an integral unit utilizing common offstreet parking and access.~~

\* \* \* \* \*

## T

\* \* \* \* \*

## U

\* \* \* \* \*



## V

\* \* \* \* \*

~~Vehicle services means an activity conducted entirely within an enclosed structure primarily involved in servicing or repairing of automobiles, motorcycles, trucks, recreational vehicles and other similarly sized vehicular or transport mechanism or heavy machinery. Vehicle services include washing, waxing, changing oil, tuning, installing mufflers or detailing, window tinting, shock absorbers, and painting.~~

\* \* \* \* \*

## W

\* \* \* \* \*

Winery means a processing facility used for fermenting or processing fruit into wine or derivative products. The facility may have related accessory uses, including uses that permit the sale and consumption of products that are manufactured on or off site, as allowed by applicable licenses from the State of Florida Division of Alcoholic Beverages and Tobacco.

\* \* \* \* \*

## Y

\* \* \* \* \*

**Section 3.**     **Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.**     **Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5.**     **Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

**Section 6.**     **Scrivener's Errors.** The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 7. Codification.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

**Section 8. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 13th day of November, 2018.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 27th day of November, 2018.

  
\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

  
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Keys

**Vote:**

IWO #18-867 (JLW)

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)